

## **REMARKS**

Claims 1-48 are pending in this application. Claim 48 has been canceled, as directed to non-elected subject matter and without admission or prejudice to Applicants' right to pursue the subject matter of that claims in either this or other (e.g., related) patent applications. Claim 42 has been amended, also without prejudice or admission. Hence, upon entry of this amendment, claims 1-47 will be pending and under consideration in this application.

Claim 42 has been amended in accordance with the Examiner's suggestions, to reinsert the phrase "and separating." Hence, the claim, as amended here, is identical to claim 42 as originally filed with this application. No new matter has been introduced. Entry and consideration of the amendment is therefore respectfully requested.

### **The Rejections Under 35 U.S.C. § 112 Have Been Obviated**

Pending claims 42-47 stand rejection under the first paragraph of 35 U.S.C. § 112 stand rejected as failing to comply with the written description requirement and as being indefinite. In particular, the Examiner argues that "[c]laim 42 recites new matter by deleting 'and separating' in step (b) [of that claim]." See, in the Office Action at page 2, line 10. Claims 44-47 have also been rejected under the second paragraph of 35 U.S.C. § 112, as being indefinite. In particular, the Examiner asserts that "[i]n claim 44, line 2 'after separating' lacks antecedent basis since 'separating' has been deleted from claim 42." *Id.* at page 2, lines 21-22.

Applicants respectfully disagree with these rejections. Nevertheless, claim 42 has been amended to reintroduce the phrase "and separating," which was originally recited in that claim as filed. It is therefore believed that the rejections under 35 U.S.C. § 112 have been obviated, and should be withdrawn.

### **The Object to Claim 48 Has Been Obviated**

The Examiner has also noted, in the Office Action, that "[t]his application contains claim 48 drawn to an invention non-elected with traverse...." See, in the Office

Action, on page 3, lines 6-7. The Office Action also states that “[a] complete reply to [that] final rejection must include cancellation of non-elected claims or other appropriate action.” *Id.* at page 3, lines 7-8. Accordingly, non-elected claim 48 has been canceled in this amendment, without prejudice to Applicants’ right to pursue the subject matter of that elected claim in either this or other (e.g., related continuing or divisional) patent applications.

### **CONCLUSION**

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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